

Issued February 8, 1913

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1918.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CHEESE.

On February 28, 1912, the United States Attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 34 cheeses remaining unsold in the original unbroken packages and in possession of H. T. Hackney & Co., Jellico, Tenn., alleging that the product had been shipped on or about February 14, 1912, by Crosby & Meyers, Cincinnati, Ohio, and transported from the State of Ohio into the State of Tennessee, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: "Crosby & Meyers, Cincinnati, Ohio. H. T. Hackney Co., Jellico, Tenn." The cheeses also bore figures indicating their net weight.

Misbranding of the product was alleged in the libel for the reason that the cheeses were in package form and the contents thereof were not plainly and correctly stated in terms of weight on the outside of said packages, there being a total deficit of 5.2 per cent short of the marked weight.

On March 9, 1912, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be released and delivered to the Crosby & Meyers Co., claimant, upon payment of the costs of the proceedings and the execution of bond in the sum of \$250 in conformity with section 10 of the Act.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., November 11, 1912.

